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BIHAR ELECTRICITY REGULATORY COMMISSION, PATNA

NOTIFICATION

The 30th October, 2019

No. BERC SMP-19/2019/05—In exercise of the powers conferred on it by sub-sections (r) and (s) of section 181 read with sub-sections (5) to (7) of section 42 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, the Bihar Electricity Regulatory Commission hereby amends the BERC (Consumer Grievance Redressal Forum, Electricity Ombudsman and Consumer Advocacy) Regulations, 2017 which was published in Bihar Gazette No. 993 dated 23rd October, 2017.

1. Short Title, Extent, Commencement, Definitions and Interpretations—

- 1.1 These Regulations may be called the "Bihar Electricity Regulatory Commission (Consumer Grievance Redressal Forum, Electricity Ombudsman and Consumer Advocacy) (First Amendment) Regulations, 2019".
- 1.2 These Regulations shall be applicable to all distribution licensees in the "State of Bihar" in their respective licensed areas.
- 1.3 These Regulations shall come into force from the date of their notification in the Official Gazette.
- 1.4 These Regulations shall be construed harmoniously with the standards of performance of the distribution licensees and the

Electricity Supply Code specified by the Commission under the provisions of Clauses (x) and (za) of sub-section (2) of section 181 of the Act. In case of any inconsistency with these Regulations, the standards of performance of the distribution licensees and the Electricity Supply Code shall prevail.

2. Amendment in Regulation 2 -

(i) Regulation 2.4(a)(i) shall be substituted by the following:-

"2.4(a)(i) The First Member shall be the Chairperson of the Forum. The First Member (Chairperson) should be a retired Judicial Officer not below the rank of Additional District and Sessions Judge or a retired Officer of Bihar Administrative Service not below the rank of District Magistrate/ Additional Collector or retired Superintending Engineer of the licensee or equivalent post. They should have minimum 20 years of experience. Preference shall be given to the officer having experience of Judicial/Quasi Judicial work and/or has shown capacity in dealing with problems relating to Electricity Regulatory matter and familiar with the consumers affairs service".

(ii) Regulation 2.4(a)(iii) shall be substituted by the following:-

"The Third Member shall be Independent Member. The person shall be a representative of a registered society/NGO/ consumer organisation having one of its main objectives as consumer protection with at least 5 years of standing or alternatively the representing member should have five years of experience in consumer-related matters or a person of stature and repute having at least five years exposure and experience of consumer affair and the minimum qualification shall be graduate in any discipline from a recognized university.

Provided that, a person applying for the post of Independent Member of the Forum shall not have been in the employment in any capacity under, or agency of, the Distribution Licensee for a minimum period of three (3) years prior to being appointed Independent Member of the Forum".

(iii) Regulation 2.8 shall be substituted by the following :-

"The maximum age for appointment to the post of Chairperson and Third Member should be 62 years as on the last date of receipt of application. The minimum age for Third Member (Independent Member) shall be 35 years on the last date of receipt of the applications."

(iv) Regulation 2.15 shall be substituted by the following :-

"The sitting fees, honorarium and/or other allowance (collectively "Remuneration") payable to the Chairperson shall be decided by the licensee with the approval of the Commission.

The Independent Member shall be entitled for per sitting remuneration of Rs. 2,500/- (Rupees Two Thousand Five Hundred) only including T.A. for each day of participation in the Forum's proceedings and work".

(v) Regulation 2.42 shall be substituted by the following :-

"A complainant, distribution licensee or any other person who is a party to any proceedings before the Forum may either appear in person or authorise any person to present his/her case before the Forum and to do all or any of the acts for the purpose".

By order of the Commission,
Rameshwar Pd. Das,
Secretary.

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